

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

FUNICULAR FUNDS, LP, individually and on behalf of all others similarly situated,

Plaintiff,

Civil Action No. 22-10986-JSR

v.

PIONEER MERGER CORP., PIONEER MERGER SPONSOR LLC, JONATHAN CHRISTODORO, RICK GERSON, OSCAR SALAZAR, RYAN KHOURY, SCOTT CARPENTER, MATTHEW COREY, MITCHELL CAPLAN, and TODD DAVIS,

Defendants.

**ORDER REINSTATING REFERENCE WITH RESPECT TO CHAPTER 15 CASE**

WHEREAS, Pioneer Merger Co. (“Pioneer”), a defendant in the above-captioned class action (the “Class Action”) commenced a case under chapter 15 of title 11 of the United States Code (the “Chapter 15 Case”)<sup>1</sup> after the commencement of the Class Action;

WHEREAS, to avoid overlapping judicial resources and to ensure an efficient resolution of the claims at issue in the Class Action, on December 7, 2023, this Court entered an order withdrawing the reference of the Chapter 15 Case but only with respect to matters bearing on the outcome of the Class Action (ECF No. 80);

WHEREAS, on June 27, 2023, this Court entered the *Judgment and Order Approving Class Action Settlement* (ECF No. 97) (the “Settlement Order”), which approved a settlement agreement among Funicular Funds, LP, the lead plaintiff in the Class Action, Pioneer, and the individual defendants (collectively, the “Defendants”), to be effective on September 16, 2024. The

<sup>1</sup> See *In re Pioneer Merger Corp. (In Official Liquidation)*, Case No. 23-11663 (DSJ) (Bankr. S.D.N.Y.).

settlement provides for a complete dismissal with prejudice of the claims asserted against the Defendants in the Class Action;

WHEREAS, in light of the Settlement Order, the joint official liquidators of Pioneer intend to seek dismissal of the Chapter 15 Case;

WHEREAS, in light of the Settlement Order and good cause appearing therefor;

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

The reference with respect to the Chapter 15 Case is hereby reinstated in full.

SO ORDERED this 21<sup>st</sup> day of July, 2024

  
The Honorable Jed S. Rakoff  
United States District Judge